



**MILWAUKIE PLANNING**  
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# Nonexpedited Annexation Application Instructions

## PROCESS

### STEP 1: PREAPPLICATION CONFERENCE

A preapplication conference is required prior to the submission of a nonexpedited annexation application. Please call 503-786-7600 for assistance. All required materials and fees must be submitted at the time of scheduling.

### STEP 2: ANNEXATION PETITION

Petitions by property owners to annex to the City of Milwaukie must meet one of the minimum petition requirements for annexation as described below. If ownership is in question, a title report may be required.

- Consent by the property owners of 100% of the land area of the territory to be annexed and at least 50% of the registered voters, if any, within the territory to be annexed. (100% Ownership Method)
- Consent by the property owners of a majority of the land area of the territory to be annexed and a majority of the registered voters, if any, within the territory to be annexed. (Double Majority Method)
- Consent by a majority of the property owners within the territory to be annexed, whose land represents a majority of the land area of the territory to be annexed and a majority of the assessed value of the territory to be annexed. (Triple Majority Method)

### STEP 3: COUNTY CERTIFICATION

An annexation petition must be accompanied by the following three County-certified documents:

- Certification of Property Ownership
- Certification of Legal Description and Map: *This document must be accompanied by the legal description for the territory and two full-size certified quarter section tax maps.*
- Certification of Registered Voters

The County Assessor certifies all the documents listed in the first two bullets. The County Elections Department certifies the document in the last bullet. If no registered voters reside in the territory to be annexed, the Certification of Registered Voters document still needs to be certified and submitted with the annexation petition.

### STEP 4: ANNEXATION APPLICATION

The Application section on the next page describes the various documents that need to be submitted with a nonexpedited annexation application. Applications are processed by the City's Planning Department at 6101 SE Johnson Creek Boulevard in Milwaukie. Please call 503-786-7630 for assistance. The nonexpedited annexation application fee must be paid, and the required number of copies must be provided, at the time of application submission. Check the preapplication conference notes for fee information and the number of copies to submit.

### STEP 5: ANNEXATION DECISION

A nonexpedited annexation is a land use action and requires review by the Planning Commission and review and approval by the City Council at public hearings.

## STEP 6: POSTDECISION NOTIFICATION AND FILING

If approved by City Council, the requested zoning and land use designations are applied to the territory. The annexation is not effective, however, until it is filed with the Secretary of State. The City, Metro, and the State work together to notify all affected agencies, providers, and individuals.

## Application

To apply for a nonexpedited annexation and zone designation request, an applicant must submit an annexation application, as described below, and pay the required fee. If the requested zone designation constitutes a zone change, a transportation impact study (TIS) may be required in addition to the annexation application materials listed below. A zone change occurs when the requested zone designation does not correspond with the City's automatic zone designation for the territory, as listed in the table on page 3, Zoning and Land Use Designations for Boundary Changes.

A nonexpedited annexation application includes the following documents. Check with the Planning Department for the number of copies you will need to submit. Documents marked with an asterisk (\*) are attached.

Some of the documents provided with this packet are specific to the 100% ownership annexation method. See Planning for the different Annexation Petition and Property Ownership documents you will need to submit if your petition is by double or triple majority consent.

Document	Notes (where applicable)
1. City of Milwaukie Nonexpedited Annexation Application*	
2. Annexation petition (for 100% ownership method)*	
3. One <u>reduced</u> County Assessor quarter section map	The reduced map should be 8.5" x 11" in size, and the territory to be annexed should be outlined in red.
4. Legal Description	This description should be inserted in, or attached to, the Annexation Petition. A lot, block, and subdivision description may be submitted in lieu of the metes and bounds description if the area is platted and this is acceptable to the County Assessor. If the legal description contains any deed or book and page references, legible copies of these documents must be submitted with the legal description.
5. Clackamas County certification: a. Property ownership (for 100% ownership method)* b. Legal description and map* c. Registered voters*	
6. Notice list*	This list should contain all property owners and all registered voters in the territory to be annexed, including those that have not signed the Annexation Petition.
7. Code section narrative	A list of all applicable code sections is provided on the next page. The actual code language that needs to be addressed is included in the last section of this packet.
8. Transportation Impact Study (may be required if a zone change is requested)	
9. Census form*	This should be attached to the Annexation Petition.

## CODE SECTIONS

The following list identifies all applicable code sections that must be addressed in the annexation application narrative. All applicable Milwaukie Municipal Code (MMC), Metro Code, and Milwaukie Comprehensive Plan (MCP) sections are available upon request. Please check with City staff for guidance on how to address a specific code or policy section.

- MMC 19.1102.2.C.1–5
- MMC 19.1102.3.A–F
- MMC 19.902.4.B, which references MMC 19.902.3.B
- MMC 19.902.6.B
- MCP Chapter 6
- Metro Functional Plan
- Metro Chapter 3.09<sup>1</sup>

## ZONING AND LAND USE DESIGNATIONS

Please consult with the City's Planning Department if you have any questions about the allowed uses or development standards that are associated with the proposed zoning designation. It is possible, for example, that upon annexation, existing uses or structures may not conform to the City's development code. Nonconforming uses and structures are allowed to continue and be maintained in reasonable repair but are not allowed to undergo alteration or extension without staff or Planning Commission review and approval. Uses or structures that were not legally established in the County are not made legal upon annexation to the City.

from Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
Existing County Zoning Designation	Assigned City Zoning Designation	Assigned City Land Use Designation
R-20	R-MD	Low density residential
R-15	R-MD	Low density residential
R-10	R-MD	Low density residential
R-8.5	R-MD	Low density residential
R-7	R-MD	Low density residential
MR1	R-2	Moderate density residential
MR2	R-2	Medium density residential
PMD	R-1-B	High density residential
HDR	R-1-B	High density residential
SHD	R-1	High density residential
C3	C-G	Commercial
OC	C-L	Commercial
RTL	C-L	Commercial
PC	C-CS	Commercial
LI	BI	Industrial
GI	M	Industrial
BP	BI	Industrial
OSM	R-MD/CSU	Public

<sup>1</sup> MMC 19.1102.2.C.1 references Metro 3.09.040 and MMC 19.1102.2.C.2 references Metro 3.09.050(d)